

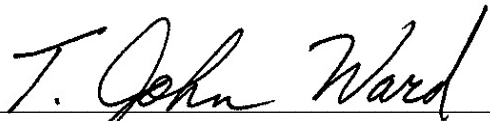
against E*Trade Financial Corporation are hereby dismissed with prejudice and all pending motions between the parties are denied as moot, subject to the terms of that certain agreement dated November 19, 2010.

It is ORDERED that this Court retains jurisdiction over this matter.

It is further ORDERED that all attorneys' fees and costs are to be borne by the party that incurred them.

SO ORDERED.

SIGNED this 10th day of December, 2010.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE